

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

GILBERTO GRANADOS	§	
and ANA GRANADOS	§	
	§	
V.	§	CIVIL ACTION NO. G-10-611
	§	
ALLSTATE FIRE TEXAS LLOYDS and	§	
PILOT CATASTROPHE SERVICES, INC.,	§	

OPINION AND ORDER

Before the Court is the “Motion for Leave to File Plaintiffs’ First Amended Complaint” of Plaintiffs, Gilberto Granados and Ana Granados; the Motion seeks permission to add two individuals who were employed as adjusters on the Plaintiffs’ hurricane property damage claim as Defendants to this litigation. The Motion is opposed by both Defendants, Allstate Texas Lloyds and Pilot Catastrophe Services, Inc.. The Motion will be denied.

The Plaintiffs have submitted documents produced during discovery which clearly indicate that the two adjusters, Linda M. Hill and Charles Toro Smith, actually spoke with the Plaintiffs and corresponded by mail with the Plaintiffs beginning September 26, 2008 and October 30, 2008, respectively. Hence, the Plaintiffs knew the identities of these proposed Defendants long before the two-year statute of limitations on their proposed extra-contractual claims expired. Consequently, the amendment of the Plaintiffs’ complaint would be futile.

It is, therefore, the **ORDER** of this Court that “Plaintiffs Gilberto Granados and Ana Grandados’ Motion for Leave to File Plaintiffs’ First Amended Complaint” (Instrument no. 50), is **DENIED**.

DONE at Galveston, Texas, this _____ 17th _____ day of February, 2012.



John R. Froeschner
United States Magistrate Judge